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E-FILED 06-11-2010

Attorneys for Petitioner
Mark D. McDade

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MEDIMMUNE, LLC,

Plaintiff,

v.

PDL BIOPHARMA, INC.,

Defendant.

Case No. C08-05590 JF (HRL)

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER RE MOTION TO QUASH
SUBPOENA ISSUED PURSUANT TO 28
U.S.C. § 1783**

(MODIFIED BY THE COURT)

WHEREAS the Court on May 27, 2010 issued a subpoena to Petitioner Mark McDade ("Petitioner") compelling his appearance at a deposition pursuant to 28 U.S.C. § 1783;

WHEREAS, on June 7, 2010, Petitioner filed a Motion to Quash that subpoena;

WHEREAS, Plaintiff MedImmune, LLC ("Plaintiff") and Petitioner, in recognition of the press of the existing discovery schedule and the nature of the issues involved in the Motion (*see* Dkt. No. 494), have agreed to an expedited schedule for briefing and, if necessary, a hearing on Petitioner's Motion, *see* Civil L.R. 6-2(a)(1);

WHEREAS, a list of previous time modifications appears below. *See* Civil L.R. 6-2(a)(2):

Previous Time Modifications	Type
Jan. 12, 2009 (Dkt. No. 10). Extension of time for PDL to answer MedImmune's First Amended Complaint.	Stipulation.
July 2, 2009 (Dkt. No. 125). Extension of schedule for claim construction proceedings.	Stipulation and order.
Aug. 21, 2009 (Dkt. Nos. 130, 133). Extension of case schedule and trial date to accommodate PDL's counsel.	Stipulation and order.
Nov. 30, 2009 (Dkt. No. 232). Shortening of time on PDL's motion for a protective order.	Stipulation and order.
Jan. 8, 2010 (Dkt. No. 301). Extension of discovery deadlines with no impact on trial date to accommodate PDL.	Stipulation and order.
Mar. 1, 2010 (Dkt. No. 414). Extension of time to serve expert reports requested by PDL.	Granted by court order.
Feb. 12, 2010 (Dkt. No. 367). Extension of MedImmune's deadline to file a reply brief by four (4) days due to weather.	Stipulation and order.
Mar. 29, 2010 (Dkt. No. 471). Extension of MedImmune's deadline to respond to PDL's First Amended Answer by three (3) days.	Stipulation.
Apr. 9, 2010 (Dkt. Nos. 479, 484). Vacating of existing deadlines; creation of new deadlines to accommodate expansion of the case.	Court order.
Apr. 27, 2010 (Dkt. Nos. 494, 504). Shortening of time on motion to issue subpoena pursuant to 28 U.S.C. § 1783.	Granted by court order.

WHEREAS, the modification requested below will have no impact on the schedule of the case. *See* Civil L.R. 6-2(a)(3). To the contrary, expediting the resolution of this issue makes it more likely that all necessary discovery will be completed within the current schedule.

Plaintiff and Petitioner hereby stipulate, by and through their respective counsel, as follows:

JT STIPULATION AND ~~PROPOSED~~
ORDER RE MTN TO QUASH
SF01/689429.1

1. Petitioner shall file and serve his moving papers in support of the Motion on June 7, 2010;
2. Plaintiff shall file and serve its opposition to the Motion, if any, no later than June 11, 2010;
3. Petitioner shall file and serve its reply in support of the Motion, if any, no later than June 17, 2010;
4. Hearing on the Motion will be set for June 29, 2010, or as soon thereafter as this matter may be heard in the above-captioned Court.

IT IS SO STIPULATED.

Dated: June 7, 2010

DRINKER BIDDLE & REATH LLP

By: 

Michelle A. Childers
Josephine Ko

Attorneys for Petitioner
Mark McDade

Dated: June 7, 2010

WILLIAMS & CONNOLLY LLP

By: 

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Attorneys for Plaintiff
MedImmune LLC

ORDER

Based on the above stipulation of the parties and for good cause showing, **IT IS HEREBY ORDERED** that Petitioner Mark McDade's Motion to Quash Subpoena Issued Pursuant to 28 U.S.C. § 1783 shall be heard on June 29, 2010. Petitioner shall file and serve his

1 moving papers in support of the Motion on June 7, 2010. Opposition papers, if any, shall be filed
2 and served no later than June 11, 2010. Reply papers, if any, shall be filed and served no later
3 than June ~~XX~~¹⁵ 2010.

4 **IT IS SO ORDERED.**

5
6 Dated: June 11, 2010


Hon. Howard L. Lloyd
United States Magistrate Judge